

Notice of Allowability

Application No.

09/409,500

Examiner

Andrew C Flanders

Applicant(s)

ANDERSON, GLEN J.

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's Amendment filed on 7 September 2004.
2. ☒ The allowed claim(s) is/are 1-4,6-10,12-14,16 and 18-35.
3. ☒ The drawings filed on 30 September 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 1 – 4, 6 – 10, 12 – 14, 16, and 18 - 35 are allowed.
2. The following is an examiner's statement of reasons for allowance:
3. Regarding Claim 1, Applicant has re-written previously indicated allowable matter from office action dated 9 June 2004 into independent claim 1. Therefore Claim 1 is allowable on the basis of the previous office action.
4. Claims 2 – 4 and 6 – 8 are allowable on the basis of being dependent on an allowable claim, claim 1.
5. Regarding Claim 9, Applicant has re-written previously indicated allowable matter from office action dated 9 June 2004 into independent claim 9. Therefore Claim 9 is allowable on the basis of the previous office action.
6. Claim 29 is allowable on the basis of being dependent on an allowable claim, claim 9.
7. Regarding Claim 10, Applicant has re-written previously indicated allowable matter from office action dated 9 June 2004 into independent claim 10. Therefore Claim 10 is allowable on the basis of the previous office action.
8. Claims 12 – 14 and 30 are allowable on the basis of being dependent on an allowable claim, claim 10.
9. Regarding Claim 16, Applicant has re-written previously indicated allowable matter from office action dated 9 June 2004 into independent claim 16. Therefore Claim 16 is allowable on the basis of the previous office action.

10. Claims 18 – 22 and 31 are allowable on the basis of being dependent on an allowable claim, claim 16.
11. Regarding Claim 23, Applicant has re-written previously indicated allowable matter from office action dated 9 June 2004 into independent claim 23. Therefore Claim 23 is allowable on the basis of the previous office action.
12. Claims 24 – 28 are allowable on the basis of being dependent on an allowable claim, claim 23
13. Regarding Claim 32, Claim 32 was previously allowable in office action dated 9 June 2004. Therefore, since Claim 32 is presented as previously written, it is allowable on the basis of the previous office action.
14. Claims 33 - 35 are allowable on the basis of being dependent on an allowable claim, claim 32.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C Flanders whose telephone number is (703) 305-0381. The examiner can normally be reached on M-F 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forrester Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER